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3
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 USA,

8 Plaintiff(s),

9 v.

10 ELAINE MARIE THOMAS,

11 Defendant(s).

CASE NO.
3:20-cr-05244-BHS

SENTENCING ORDER

12
13 THIS MATTER comes before the Court on Defendant's conviction and the Court
14 having set **2/14/2022** at 09:00 AM for sentencing, it is hereby ORDERED:

15 **At least seven (7) days prior to the Sentencing Hearing, counsel shall inform**
16 **the probation officer and the Courtroom Deputy, Dara Kaleel at (253) 882-3824,**
17 **whether or not an evidentiary hearing will be requested at the sentencing, and if so,**
whether witnesses will be called, who they will be, and an estimated length of the
hearing.

18 1. A presentence report is to be prepared by the U.S. Probation Department.

19 2. Not less than thirty-five (35) days before the Sentencing Hearing, the U.S.

20 Probation officer shall furnish the presentence report to the Defendant, the Defendant's
21 counsel and the attorney for the Government. Within fourteen (14) days after receiving
22 the presentence report, the parties shall communicate in writing to the Probation officer,
23 and to each other, objections to any material, information, sentencing classifications,
24 sentencing guideline ranges, and policy statements contained in or omitted from the
25 presentence report. After receiving objections, the probation officer may require the
26 parties to meet with the probation officer to discuss unresolved factual and legal issues.

1 The probation officer may also conduct a further investigation and revise the presentence
2 report as appropriate.

3 Not less than seven (7) days before the Sentencing Hearing, the probation officer
4 shall submit the presentence report, as revised, together with any addendum setting forth
5 any unresolved objections, the grounds for those objections, and the probation officer's
6 comments on the objections and the sentencing recommendations, to all parties and
7 the Court.

8 3. If the Government intends to file a §5K1.1 motion for substantial assistance, the
9 motion must be served on all counsel and filed under seal fourteen (14) days prior to
10 sentencing. In such event, the Government must also serve and file under seal a written
11 statement of the nature and extent of the Defendant's cooperation. The Defendant may
12 file, in response, his or her version of the Defendant's cooperation. Any such response
13 by the Defendant must be filed at least seven (7) court days prior to sentencing, and may
14 be included in the Defendant's sentencing memorandum.

15 4. In the event the Defendant wishes to provide a written statement accepting
16 responsibility, the statement should be signed by the Defendant. The original should be
17 provided to the U.S. Probation Department with a copy to counsel for the United States at
18 least twenty-one (21) days before sentencing.

19 5. Counsel for the United States or for a Defendant shall serve copies of any
20 sentencing memorandum or related documents upon all parties and upon the U.S.
21 Probation Department at least seven (7) court days prior to sentencing.

22 **DATED: November 8, 2021**

23
24 /s/Benjamin H. Settle
25 BENJAMIN H. SETTLE
26 United States District Judge